



Office of the Mayor and Council
City of College Park
8400 Baltimore Avenue, Suite 375
College Park, Maryland 20740
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION
of the
MAYOR AND COUNCIL
of the
CITY OF COLLEGE PARK**

RE: Case No. CPV-2021-03 Name: John P. Murphy

Address: 6908 Dartmouth Avenue, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

April 13, 2021.

CERTIFICATE OF SERVICE

This is to certify that on April 15, 2021 the attached Resolution was mailed, postage prepaid, to all persons of record.

NOTICE

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC
City Clerk

Copies to: Advisory Planning Commission
City Attorney
Applicant
Parties of Record

PG Co. DER, Permits & Review Section
M-NCPPC, Development Review Division
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2021-03,
6908 DARTMOUTH AVENUE, COLLEGE PARK, MARYLAND, RECOMMENDING
APPROVAL OF A 2.16% LOT COVERAGE VARIANCE FROM SECTION 27-442(C)
TABLE II OF THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, TO
REPLACE A GARAGE**

- WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance (hereinafter, "Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by § 190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-442 (c) Table II of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** Section 27-442 (c) Table II of the Zoning Ordinance specifies a maximum lot coverage of 30 percent in the R-55 zone; and
- WHEREAS,** on February 3, 2021, John P. Murphy ("Applicant"), submitted an application for a variance of 2.16% or 160.30 square feet from the maximum allowable lot coverage of 30% for a property located at 6908 Dartmouth Avenue, College Park ("Property"); and
- WHEREAS,** on March 4, 2021, the APC conducted a hearing on the merits of the variance at which the APC heard testimony and accepted evidence including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code.

WHEREAS, based upon the evidence and testimony presented, the APC voted 4-0-0 to recommend the approval of the variance; and

WHEREAS, the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to variance requests; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

WHEREAS, no exceptions have been filed.

NOW THEREFORE, the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2021-03 to approve a 2.15% lot coverage variance to permit the construction of a new garage.

Section 1 Findings of Fact

- 1.1 The property is rectangular with a width of nearly 52 feet and an average depth of 143 feet for a total area of 7,419 square feet.
- 1.2 The property is improved with a 1,630 square foot, 2-story brick and frame house, a 258.3 square foot freestanding garage, a 77 square foot covered work area and an 896 square foot driveway, all built around 1936. The driveway extends almost the entire depth of the lot since the garage was placed at the very back of the lot.
- 1.3 The existing lot coverage exceeds the maximum allowed by 3.11%. The proposed new garage will reduce lot coverage by 0.95% or 70.3 square feet by reducing the size of the driveway and including the covered work area within the new garage.
- 1.4 Two very large oak trees prevent moving the garage closer to the street.
- 1.5 The property and immediate neighborhood are zoned R-55, single-family residential.
- 1.6 Similarly sized detached garages exist in the neighborhood.
- 1.7 The new Zoning Ordinance will permit lot coverage in the R-55 zone to be 35% but it has not yet gone into effect.

Section 2 Conclusions of Law

- 2.1 The property is exceptionally deep with the original garage built in 1936 located at the very back of the lot. The resulting driveway adds significantly to lot coverage. The proposal to construct a new garage will reduce lot coverage from the existing condition.
- 2.2 The strict application of the Zoning Ordinance will result in a peculiar and unusual practical difficulty by preventing the replacement of an old garage even when to do so will reduce lot coverage. The existing improvements, including the garage and driveway, preceded the Zoning Ordinance and so did not require a variance.

- 2.3 Granting the lot coverage variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since lot coverage will be reduced, the amount of variance requested is small, and the size of the new garage is not out of character with the rest of the neighborhood.


NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of College Park to approve CPV-2021-03 for a 2.16% lot coverage variance to permit the construction of a new garage.

ADOPTED, by the Mayor and Council of the City of College Park at a regular meeting on the 13th day of April, 2021.

CITY OF COLLEGE PARK

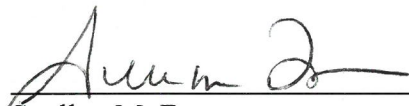


Janeen S. Miller, CMC
City Clerk



Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY



Suellen M. Ferguson
City Attorney